

WINSTON
& STRAWN
LLP

35 West Wacker Drive
Chicago, IL 60601-9703
T: +1 (312) 558-5600
F: +1 (312) 558-5700
www.winston.com

J. ERIK CONNOLLY
312.558.6339
econnolly@winston.com

July 5, 2016

VIA ECF Filing System

Hon. Gregory H. Woods
U.S. District Court Judge

Re: *ABA Refinery Corp. et al. v. Republic Metals Refining Corporation et al.*, No. 1:15-cv-08731-GHW (JOINT LETTER IN ADVANCE OF STATUS CONFERENCE)

Dear Your Honor:

This joint letter is submitted by the Parties in advance of the July 8, 2016 status conference. *See* ECF Nos. 17, 27 The Parties' responses to the Court's requested items are as follows.

1) All existing deadlines, due dates, and/or cut-off dates.

- August 1, 2016: Deadline for the Parties to move for summary judgment or, if no summary judgment motions are filed, to file the joint pretrial order.

2) Brief description of any outstanding motions.

- There are no outstanding motions at this time.
- The Parties intend to file a joint letter in advance of the status asking the court to resolve three discovery disputes.
- During their depositions, deponents testified that they provided certain documents to their counsel and that other documents are stored elsewhere. Certain documents have not been produced. Those documents will either be subject of a motion to compel and/or motion for spoliation of evidence. The Parties can file their motion for spoliation of evidence contemporaneous with summary judgment or at any time ordered by the Court.

BEIJING

CHARLOTTE

CHICAGO

GENEVA

HONG KONG

LONDON

LOS ANGELES

MOSCOW

NEW YORK

NEWARK

PARIS

SAN FRANCISCO

SHANGHAI

WASHINGTON, D.C.

3) Brief description of the status of discovery and of any additional discovery that remains to be completed.

- Fact discovery closed on June 30, 2016.
- All depositions have concluded, except for the deposition of Boris Yakutelov. Mr. Yakuletov is the owner and 30(b)(6) deponent of the Plaintiff companies. He has been undergoing chemotherapy for cancer treatment, and requested the assistance of a translator for his deposition. The Parties started but have not been able to complete his deposition due to his health issues and time consuming nature of a translator-assisted deposition.
- The Parties are attempting to schedule the completion of Mr. Yakuletov's deposition. However, he must travel to Florida on July 11, 2016, for continuation of his cancer treatment, and remain in Florida for the month. The Parties may need to move the date for submission of summary judgment briefs if they cannot find a date that works for the completion of his deposition in Florida consistent with his treatment schedule.
- Written discovery and document productions have concluded, except as will be set forth in the Parties' joint letter asking the court to resolve certain narrow discovery disputes.
- Neither party retained an expert witness.

4) Status of settlement discussions.

- The Parties have discussed potential settlement options. The Parties have been unable to agree, however, on terms that would resolve the lawsuit.

5) Anticipated length of trial and whether the case is to be tried to a jury.

- The anticipated length of trial is one week, and the case is to be tried to a jury.

6) Whether the parties anticipate filing motions for summary judgment.

- The Parties intend to move for summary judgment.

7) Any other issues the parties would like to address at the pretrial conference or any other information that the parties believe may assist the Court.

- Based on the foregoing discussion in Paragraph 3, the Parties believe that a short extension of fact discovery could permit them to resolve certain of their discovery disputes. This case has been on file for less than a year, and neither party would be unduly prejudiced by a brief extension of fact discovery.

WINSTON
& STRAWN
LLP

July 5, 2016
Page 3

- Accordingly, the Parties would like to discuss with the Court a revised fact discovery cutoff of August 15, 2016, and the revised summary judgment date of September 5, 2016.

Sincerely,

/s/ J. Erik Connolly

Erik J. Connolly
Margaret Ciavarella
200 Park Avenue
New York, New York 10166
(212) 294-6700
mciavarella@winston.com

J. Erik Connolly (*pro hac vice*)
Scott M. Ahmad (*pro hac vice*)
Cristina Covarrubias (*pro hac vice*)
35 W. Wacker Drive
Chicago, Illinois 60601
(213) 558-5600
econolly@winston.com
ccovarrubias@winston.com
sahmad@winston.com

Attorneys for Republic

/s/ Christina Simpson

Christina Simpson (Christina@conway-conway.com)
Kevin Conway (kpc@conway-conway.com)
122 East 42nd Street, Suite 1612
New York, NY 10168
(212) 938-1080

Attorneys for the Viktor Entities